

WHARTON A, et. al. VS CITY OF ALBUQ

CASE DETAIL

CASE #	CURRENT JUDGE	FILING DATE	COURT
D-202-CV-201006590	Bacon, C. Shannon	05/28/2010	ALBUQUERQUE District

PARTIES TO THIS CASE

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
D	Defendant	1	ALBUQUERQUE CITY OF (C)
	ATTORNEY: LEVY KATHRYN C.		
P	Plaintiff	1	WHARTON (PR) ANNELLE
	ATTORNEY: CROCKETT CARPENTER FRANCES		
	ATTORNEY: KENNEDY JOSEPH PATRICK		
	ATTORNEY: KENNEDY SHANNON L.		
P	Plaintiff	2	HIGGINS RACHEL
	ATTORNEY: KENNEDY SHANNON L.		
	ATTORNEY: KENNEDY JOSEPH PATRICK		

CIVIL COMPLAINT DETAIL

COMPLAINT DATE	COMPLAINT SEQ #	COMPLAINT DESCRIPTION	DISP	DISP DATE
05/28/2010	1	OPN: COMPLAINT		

COA SEQ #	COA DESCRIPTION
1	Wrongful Death, Non-Auto

PARTY NAME	PARTY TYPE	PARTY #
ALBUQUERQUE CITY OF (C)	D	1
WHARTON (PR) ANNELLE	P	1

HEARINGS FOR THIS CASE

HEARING DATE	HEARING TIME	HEARING TYPE	HEARING JUDGE	COURT	COURT ROOM
08/16/2012	3:00 PM	SCHEDULING CONFERENCE	Bacon, C. Shannon	ALBUQUERQUE	Hearing Room 710
08/09/2012	9:00 AM	MOTION HEARING	Bacon, C. Shannon	ALBUQUERQUE	Hearing Room 710
08/09/2012	9:00 AM	MOTION HEARING	Bacon, C. Shannon	ALBUQUERQUE	Hearing Room 710
03/28/2012	9:00 AM	MOTION HEARING	Bacon, C. Shannon	ALBUQUERQUE	Hearing Room 710
09/21/2011	3:00 PM	MOTION HEARING	Bacon, C. Shannon	ALBUQUERQUE	Courtroom 716
08/17/2011	10:30 AM	SCHEDULING CONFERENCE	Bacon, C. Shannon	ALBUQUERQUE	Courtroom 716
04/19/2011	9:00 AM	MOTION HEARING	Bacon, C. Shannon	ALBUQUERQUE	
10/26/2010	9:00 AM	HEARING	Bacon, C. Shannon	ALBUQUERQUE	

REGISTER OF ACTIONS ACTIVITY

EVENT DATE	EVENT DESCRIPTION	EVENT RESULT	PARTY TYPE	PARTY #	AMOUNT
07/23/2012	NTC: HEARING (VACATE & RESET)				
	NOTICE VACATING HEARING OF JULY 26, 2012 AND RESCHEDULING HEARING				
07/20/2012	ORD: ORDER	P		2	
	STIPULATED CONFIDENTIALITY AGREEMENT				
07/18/2012	CERTIFICATE OF SERVICE	P		2	
	Certificate of Service for Plaintiffs' Expert Report on K.E. IV on 7-18-2012				
07/16/2012	MTN: MOTION	P		2	
	Unopposed Motion for Entry of Stipulated Confidentiality Agreement				
06/25/2012	NTC: OF HEARING				
	on Plaintiff's Sixth Motion to Compel Discovery set 8/9/12 @ 9:00 am				
06/15/2012	SUBPOENA RETURNED				
	Subpoena Return for Sergeant James Fox on 6-20-12				
06/15/2012	SUBPOENA RETURNED				
	Subpoena Return for Detective Johnny Yarra on 6-19-12				
06/15/2012	SUBPOENA RETURNED				
	Subpoena for Production of Documents to Detective Frank Pezzano on 5-23-12				
06/15/2012	SUBPOENA RETURNED				

06/15/2012	Subpoena Return for Detective Frank Pezzano on 6-13-12 SUBPOENA RETURNED		
06/15/2012	Subpoena Return for Detective Gerald Roach on 6-13-12 SUBPOENA RETURNED		
06/15/2012	Subpoena Return for Detective Jason Morales on 6-19-12 SUBPOENA RETURNED		
06/11/2012	Subpoena Return for Detective Jesse Carter on 6-19-12 REQUEST FOR HEARING/ SETTING	P	2
06/11/2012	for Plaintiff's Sixth Motion to Compel Hearing MTN: TO COMPEL	P	2
06/05/2012	Sixth Motion to Compel Discovery & Request for Sanctions NTC: OF HEARING		
06/05/2012	Notice of hearing on Plaintiff's Motion to compel discovery from Defendant on 08/09/12 at 9:00 a.m. NTC: OF HEARING		
05/22/2012	Notice of hearing on Scheduling Conference on 07/26/12 at 9:45 a.m. REQUEST FOR HEARING/ SETTING	P	2
05/22/2012	On Scheduling Conference MTN: MOTION	D	1
05/21/2012	Joint Motion for Scheduling conference to expand dealines DISCOVERY	P	2
05/16/2012	REQUEST FOR HEARING/ SETTING	P	2
05/01/2012	Plaintiffs Motion with Incorporated Supporting Memorandum to Compel Defendants to Answer Plaintiffs NTC: COMPLETION OF BRIEFING	P	2
02/20/2012	On PL's Motion to Compel Production of RFP #3 REPLY	P	2
02/17/2012	WITHDRAWAL/ ENTRY/ SUBSTITUTION OF COUNSEL		
02/13/2012	by Charles R Peifer and Lauren Keefe representing Albuquerque Journal WITNESS LIST	P	2
02/09/2012	NTC: OF HEARING	P	2
02/07/2012	Notice of hearing on pls fifth motion to compel discovery on 03/28/12 @ 9:00 am RESPONSE	D	1
02/07/2012	Response to Motion to Compel Response to Plaintiff's Third Request for Production DISCOVERY	D	1
02/03/2012	REQUEST FOR HEARING/ SETTING	P	2
01/30/2012	<fifth> Motion to Compel discovery DISCOVERY	P	2
01/27/2012	NTC: COMPLETION OF BRIEFING	P	2
01/27/2012	Notice of Completion of Briefing on Plaintiff's Fifth Motion to Compel Discovery REPLY	P	2
01/24/2012	Plaintiff's Reply to Defendant's Response to Plaintiff's Fifth Motion to Compel Discovery RESPONSE	D	1
12/13/2011	to Fifth Motion to Compel REQUEST FOR HEARING/ SETTING	P	2
12/13/2011	on Pl's motion to enforce stipulated order and for sanctions MTN: MOTION	P	2
12/07/2011	to Enforce Stipulated Order and for Sanctions MTN: TO COMPEL	P	2
10/18/2011	Fifth ANSWER	D	1
10/14/2011	Defendants' answer to Plaintiffs' complaint for civil rights violations WITNESS LIST	P	2
10/13/2011	Plaintiffs' witness list ORD: FOR CONSOLIDATION all pleadings to be filed in CV 10-6590		

09/30/2011	DISCOVERY	D	1
09/29/2011	AMENDED ANSWER to first amended complaint	D	1
09/29/2011	ANSWER	D	1
09/29/2011	Defendant's answer to first amended complaint for wrongful death due to negligent hiring, retention, and training, and negligent battery against City of Albuquerque		
09/29/2011	ORD: ORDER GRANTING Motion by Albuquerque Journal to Unseal Plaintiffs' First Amended Complaint		
09/27/2011	NTC: OF INTENT	P	2
09/27/2011	Notice of intent to take default		
09/12/2011	REQUEST FOR HEARING/ SETTING	P	1
09/12/2011	Request for hearing on Plaintiff's Motion to consolidate cause no. CV-2011-6160 with casue no. CV-2010-6590		
09/12/2011	MTN: TO CONSOLIDATE	P	1
09/12/2011	Plaintiff's Motion to consolidate		
09/08/2011	NTC: OF HEARING		
09/08/2011	On Motion by ABQ Journal to Unseal PL's First Amended Complaint on 09-21-11 @ 3:00 pm		
08/24/2011	NTC: NOTICE		
08/24/2011	Notice of completion of briefing		
08/22/2011	REPLY	P	2
08/22/2011	Plaintiffs' reply to Defendant's response to Motion by Albuquerque Journal to unseal Plaintiffs' first amended complaint		
08/22/2011	REPLY		
08/22/2011	Albuauerque Journal's reply briefi in support of its Motion to unseal Plaintiffs' first amended complaint		
08/22/2011	NTC: NOTICE		
08/22/2011	Notice of completion of briefing		
08/19/2011	DISCOVERY	P	2
08/18/2011	SCHEDULING ORDER	P	2
08/18/2011	Rule 1-016 NMRA Pretrial Scheduling Order (Jury) Trial Date 08-20-12		
08/04/2011	RESPONSE	D	1
08/04/2011	Defendant's response to motion by Albuquerque Journal to unseal plaintiffs first amended complaint		
07/25/2011	REQUEST FOR HEARING/ SETTING	P	2
07/25/2011	and Albuquerque Journal on Motion to Unseal PLS First Amended Complaint		
07/13/2011	REQUEST FOR HEARING/ SETTING	P	2
07/13/2011	on Motion to Compel Discovery from Df		
07/13/2011	MTN: MOTION	P	2
07/13/2011	Plaintiff's Motion with Incorporated Supporting Memorandum to Compel Discovery from Defendant		
07/08/2011	ORD: STIPULATED	P	2
07/08/2011	Stipulated order adopting the parties' resolution of Plaintiff's Motion to show cause		
07/07/2011	MTN: JOIN	P	2
07/07/2011	in the Motion filed by the Albuquerque Journal to Unseal PI's First Amended Complaint and to Modify the Confidentiality Orer and Memorandum of Law in support thereof		
07/07/2011	REQUEST FOR HEARING/ SETTING	P	2
07/07/2011	Request for hearing on pls motion to join in the motion filed by the Albq Journal to unseal pls first amended complaint and to modify the confidentiality order and memorandum of law in support thereof and motion by Albu Journal to unseal pls first amended compaint		
07/06/2011	NTC: NOTICE	P	2
07/06/2011	Notice of Change of Address		
07/05/2011	MEMORANDUM IN SUPPORT		
07/05/2011	of Motion by Albuquerque Journal to Unseal Plaintiffs First Amended Complaint		
07/05/2011	ENTRY OF APPEARANCE		
07/05/2011	Entry and Notice of Limited Appearance for Albuquerque Journal <sic>		
07/05/2011	REQUEST FOR HEARING/ SETTING	D	1
07/05/2011	on Motion by Albuquerque Journal to Unseal PI's First Amended Complaint		
07/01/2011	MTN: MOTION		
07/01/2011	by Albuquerque Journal to Unseal Plaintiff's first Amended Complaint		
06/17/2011	NTC: OF HEARING		
06/17/2011	Notice of hearing on Rule 16 Scheduling Conference on 08/17/11 at 10:30 a.m.		
06/16/2011	REQUEST FOR HEARING/ SETTING	P	1
06/16/2011	on Rule 16 Scheduling Conference		
06/15/2011	AMENDED COMPLAINT	P	2

06/15/2011 First Amended Complaint for Wrongful Death Due to Negligent Hiring, Retention, and Training, and Negligent Battery Against the City of Albuquerque
ORD: ORDER P 1
Order Granting Plaintiffs' Stipulated Motion to Conditionally Seal Plaintiffs' First Amended Complaint

05/26/2011 CERTIFICATE OF SERVICE
FILING CERTIFICATE OF SERVICE OF NOTICE OF UNAVAILABILITY AN AND CERTIFICATE OF SERVICE TO PARTIES (PLS)

05/10/2011 NTC: HEARING (CIVIL)
FILING NOTICE OF HEARING OF MOTIN FOR SANCTIONS AGAINST TH CITY OF ALBQ AND BRIEF IN SUPPORT SET 07-07-11 AT 2:30 PM

05/03/2011 NTC: NOTICE
FILING NOTICE OF COMPLETION OF BRIEFING (PL)

04/27/2011 ORD: ORDER
FILING ORDER GRANTING PL MOTION TO COMPEL DIRECTING COURT ADMINISTRATOR TO PRODUCE EVIDENCE PRESENTED TO GRAND JURY AND DISCLOSE QUESTIONS ASKED OF WITNESSES, MATERIALS PRODUCED SUBJECT OF AN ORDER OF CONFIDENTIALITY

04/26/2011 CERTIFICATE OF SERVICE
FILING CERTIFICATE OF SERVICE OF NOTICE OF UNAVAILABILITY TO DF (PL)

04/13/2011 SUBPOENA RETURNED
FILING SUBPOENA DUCE TECUM RETURNED SERVED TO TRINA M CASADOS FOR AMY B BAILEY ON 04-08-11 <NO FEE POSTED> (PLS)

04/13/2011 SUBPOENA RETURNED
FILING SUBPOENA DUCE TECUM RETURNED SERVED TO DET BRETT LAMPRIIS-TREMBE ON 04-05-11 <NO FEE POSTED> (PL)

04/13/2011 SUBPOENA RETURNED
FILING SUBPOENA DUCES TECUM RETURNED SERVED TO BYRON "TREY" ECONOMIDY ON 04-04-11 <NO FEE POSTED> (PLS)

04/13/2011 SUBPOENA RETURNED
FILING SUBPOENA RETURNED SERVED TO WILLIAM W DEATON ON 04-05-11 <NO FEE POSTED> (PLS) DSSSSSSSSSS

04/13/2011 SUBPOENA RETURNED
FILING SUBPOENA RETURNED SERVED TO SGT GARY BARBOA ON 03-31-11 <NO FEE POSTED> (PLS)

04/13/2011 SUBPOENA RETURNED
FILING SUBPOENA DUCES TECUM RETURNED SERVED TO JASON MORALES ON 03-31-11 <NO FEE POSTED> (PLS)

04/13/2011 SUBPOENA RETURNED
FILING SUBPOENA DUCES TECUM RETURNED SERVED TO PSA JIMMIE HERNANDEZ FOR DET GERALD ROACH ON 03-31-11 <NO FEE POSTED> (PLS)

04/13/2011 SUBPOENA RETURNED
FILING SUBPOENA RETURNED SERVED TO RICHARD DONAGHE ON 03-31-11 <NO FEE POSTED> (PLS)

04/04/2011 REPLY
FILING PLAINTIFF'S REPLY TO THE RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL THE SECOND JUDICIAL DISTRICT COPURT TO RESPOND TH PLAINTIFF'S SUBPOENA <ATTACHMENTS> (PL)

03/30/2011 REQUEST FOR HEARING/
SETTING
FILING REQUEST FOR HEARING ON PLAINTIFF'S MOTION FOR SANCTIONS AGAINST THE CITY OF ALBUQUERQUE AND BRIEF IN SUPPORT THEREOF (PL)

03/30/2011 MTN: MOTION
FILING PLAINTIFF'S MOTION FOR SANCTIONS AGAINST THE CITY OF ALBUQUERQUE AND BRIEF IN SUPPORT THEREOF <ATTACHMENTS> (PL)

03/25/2011 DISCOVERY
FILING CERTIFICATE OF SERVICE OF DF'S RESPONSE TO THIRD REQUEST FOR PRODUCTION AND CERTIFICATE OF SERVICE TO PL (DF)

03/18/2011 RESPONSE
FILING RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL THE SECOND JUDICIAL DISTRICT COURT TO RESPOND TO PLAINTIFF'S SUBPOENA (DFS)

03/18/2011 ENTRY OF APPEARANCE
FILING ENTRY OF APPEARANCE BY DAVID TOUREK ON BEHALF OF DF DF (DF)

03/15/2011 ORD: APPOINTING
GUARDIAN AD LITEM
FILIGN ORDER ON PLAINTIFF'S STIPULATED MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM- RACHEL E HIGGINS APPOINTED

03/15/2011 NTC: HEARING (CIVIL)
FILING NOTICE OF EHARING ON PLAINTIFF'S MOTION TO COMPEL THE SECOND JUDICIAL DISTRICT COURT TO RESPOND TO PLAINTIFF'S SUBPOENA SET 4/19/11 @ 9:00 AM

03/14/2011 MTN: APPOINTMENT OF
GUARDIAN AD LITEM
FILING PLAINTIFF'S STIPULATED MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM (PL)

02/24/2011 DISCOVERY
FILING CERTIFICATE OF SERVICE OF PL'S THIRD REQUEST FOR PRODUCTION AND CERTIFICATE OF SERVICE TO DF (PL)

12/22/2010 REQUEST FOR HEARING/
SETTING
FILING REQUEST FOR HEARING ON PLAINTIFF'S MOTION TO COMPEL THE SECOND JUDICIAL DISTRICT COURT TO RESPOND TO PLAINTIFF'S SUBPOENA (PL)

12/22/2010 MTN: TO COMPEL

FILING PLAINTIFF'S MOTION TO COMPEL THE SECOND JUDICIAL DISTRICT COURT TO RESPOND TO PLAINTIFF'S SUBPOENA <ATTACHMENTS> (PL)

12/13/2010 ORD: ORDER

FILING CONFIDENTIALITY ORDER ORDERING OUTLINED DOCUMENTS BE PRODUCED AS OUTLINED; DIRECTING COUNSEL KEEP ALL PRODUCED RECORDS CONFIDENTIAL AS OUTLINED

12/13/2010 SUBPOENA RETURNED

FILING SUBPOENA FOR PRODUCTION OF DOCUMENTS RETURNED SERVED MANNIE AMAYA ON BEHALF OF JUANITA M DURAN ON 12-08-2010 <NO FEE POSTED> (ELIGIBLE)

10/19/2010 ENTRY OF APPEARANCE

FILING ENTRY OF APPEARANCE BY FRANCES CROCKETT CARPENTER ON BEHALF OF PL --FAX

10/13/2010 NTC: HEARING (CIVIL)

FILING NOTICE OF HEARING OF IN CAMERA REVIEW/PRIVILEGE LOG SET 10-26-10 AT 1:30 PM

09/30/2010 CERTIFICATE OF SERVICE

FILING CERTIFICATE OF SERVICE OF NOTICE OF UNAVAILABILITY TO COUNSEL FOR DF -FAX <ATTACHMENT> (PL)

09/10/2010 ORD: ORDER

FILING ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO COMPEL ANSWERS TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO REPODEDNT CITY OF ALBUQUERQUE AND BRIEF IN SUPPORT THEREOF

08/16/2010 NTC: HEARING (CIVIL)

FILING NOTICE OF HEARING ON PL'S MOTION TO COMPEL DISCOVERY ON 08/31/10 @ 1:30 PM

08/16/2010 RESPONSE

FILING DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO COMPEL (DF)

08/05/2010 JDG: JUDGE ASSIGN

RECUSAL

FILING NOTICE OF JUDGE ASSIGNMENT; CASE ASSIGNED TO JUDGE SHANNON BACON (SEC B); NOTICE MAILED 8/5/10 (CLERK)

08/04/2010 JDG: JUDGE RECUSAL

FILING NOTICE OF RECUSAL BY JUDGE BEATRICE BRICKHOUSE (SEC C)

07/30/2010 REQUEST FOR HEARING/
SETTING

FILING REQUEST FOR HEARING ON PLS MOTION TO COMPEL DISCOVERY (PLS)

07/30/2010 MTN: TO COMPEL

FILING PLAINTIFF'S MOTION TO COMPEL ANSWERS TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO RESPONDENT CITY OF ALBUQUERQUE AND BRIEF IN SUPPORT THEREOF <ATTACHMENT> (PLS)

07/21/2010 DISCOVERY

FILING CERTIFICATE OF SERVICE OF PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT CITY OF ALBUQUERQUE (PL)

07/19/2010 SUBPOENA RETURNED

FILING SUBPOENA DUCES TECUM TO CYNTHIA WILSON ON 7-16-2010 <NO FEE POSTED> (PL)

07/13/2010 DISCOVERY

FILING CERTIFICATE OF SERVICE OFF RESPONSES TO FIRST REQUEST FORR PODUCTION TO COUNSEL FFOR PL (DF)

06/28/2010 JURY DEMAND 12 PERSON

FILING JURY DEMAND \$300.00 FEE PAID <ATTACHMENT> (DF)

06/28/2010 ANSWER D 1

ANSWER TO COMPLAINT FOR WRONGFUL DEATH DUE TO BATTERY & NEGLIGENT BATTERY AGAINST CITY OF ALBUQUERQUE

06/28/2010 ENTRY OF APPEARANCE

FILING ENTRY OF APPEARANCE BY KATHRYN LEVY ON BEHALF OF DF

06/01/2010 SUMMONS RETURN

FILING SUMMONS RETURNED SERVED TRINA M CASADOS FOR DF CITY OF ALBUQ ON 05/28/10 <NO FEE POSTED> (PL)

05/28/2010 DISCOVERY

FILING CERTIFICATE OF SERVICE OF PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO RESPONDENT CITY OF ABQ (PL)

05/28/2010 ARB: CERT NOT SUBJECT

FILING COURT-ANNEXED ARBITRATION CERTIFICATE (PL)

05/28/2010 SUMMONS ISSUED

05/28/2010 OPN: COMPLAINT

FILING COMPLAINT FOR WRONGFUL DEATH DUE TO BATTERY & NEGLIGENT BATTERY AGAINST CITY OF ALBUQUERQUE

05/28/2010 CASE TYPE CHANGED

JUDGE ASSIGNMENT HISTORY

ASSIGNMENT DATE	JUDGE NAME	SEQ #	ASSIGNMENT EVENT DESCRIPTION
05/28/2010	Brickhouse, Beatrice J.	1	INITIAL ASSIGNMENT
05/28/2010	Brickhouse, Beatrice J.	2	Case Type Changed
08/05/2010	Bacon, C. Shannon	3	Judge Recused